

Remarks

Claims 1-3 and 5-19 are pending in the application. Claim 4 has been canceled without prejudice. The Applicants expressly reserve the right to prosecute in subsequent divisional applications or continuing applications or both claims covering the subject matter of the claim canceled to conform with the Applicants election in response to the Restriction Requirement. 35 U.S.C. §§ 120-121.

Claim 1 has been amended. Support for the claim amendments can be found throughout the application, including the claims as originally filed. Importantly, no new matter has been added to the claims. The amendment to the claims should not be construed to be an acquiescence to any of the rejections. The amendments to the claims are being made solely to expedite the prosecution of the above-identified application. The Applicant reserves the right to further prosecute the same or similar claims in subsequent patent applications claiming the benefit of priority to the instant application. 35 USC § 120.

Response to Rejections Under 35 U.S.C. § 102(b)

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) based on the Examiner's contention that they are anticipated by Heath et al. (U.S. Patent No. 3,869,499). The Applicants respectfully disagree with this contention. Claim 1 as amended defines Z is either an alkylsulfonyl, fluoroalkylsulfonyl, arylsulfonyl, or S(O)₂OH. Heath et al. discloses 4,4'-dihydroxy diphenyl ethers. Applying the formula of compound 1 and the attendant definitions to the compounds of Heath et al. requires that Z = H. Because Z does not equal H in the claims as amended, Heath et al. does not anticipate claims 1-3.

Accordingly, the Applicants respectfully request the withdrawal of the rejection of claims 1-3 under 35 U.S.C. § 102(b) over Heath et al.

Claims 1-3, 6, 7, and 19 stand rejected under 35 U.S.C. § 102(b) based on the Examiner's contention that they are anticipated by JP 10-175852 ("JP'852"). The Applicants respectfully disagree with this contention.

Similar to Heath et al., JP'852 discloses a 4,4'-dihydroxy diphenyl compound which requires that Z =H in compound 1 of claim 1. Claim 1 as amended does not define Z as equaling H. Therefore JP'852 does not anticipate claims 1-3, 6, 7, and 19.

Accordingly, the Applicants respectfully request the withdrawal of the rejection of claims 1-3, 6, 7, and 19 under 35 U.S.C. § 102(b) over JP'852.

Response to Objection of Claims

Claims 4, 5, and 8-18 were objected to by the Examiner for being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. The Applicants appreciate this indication of allowable material and have amended the claims accordingly. Claim 1 has been amended to incorporate the limitations of claim 4 and claim 4 has been canceled.

Accordingly, the Applicants respectfully submit that claims 1-3 and 5-19 are in condition for allowance and request the withdrawal of the objection to the claims.

Fees

The Applicants believe that no additional fees are due in connection with the filing of this paper. Nevertheless, the Director is hereby authorized to charge any additional required fee to our Deposit Account, 06-1448.

Conclusion

In view of the above amendments and remarks, the Applicants believe that the pending claims are in condition for allowance. If a telephone conversation with Applicant's Agent would expedite prosecution of the application, the Examiner is urged to contact the undersigned.

Respectfully submitted,
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